GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:2454
ANSWERED ON:31.07.2017
Land Rights of Forest Tribals
Tripathi Shri Sharad

Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) the details of the residential/ domicile and agricultural land rights available to the tribals living in forests; and
(b) the details and the number of land owning such tribals working as farmers/ engaged in farming, State/UT-wise?

Answer

MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS
(SHRI JASWANTSINH BHABHOR)

(a) Provisions made in "The Scheduled Tribes (STs) and Other Traditional Forest Dwellers (OTFDs) (Recognition of Forest Rights) Act, 2006 (FRA in short) to save the rights and livelihood of forest dwelling STs and OTFDs on all forest land are at Annexure.
Further, Section 4(d) of "the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (in short PESA) provides that every Gram Sabha shall be competent to safeguard and preserve the community resources.
The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013 (Section 41) provides that as far as possible, no acquisition of land shall be made in the Scheduled areas and where such acquisition does take place, it shall be done as a last resort.

Section 41 of said Act (RFCTLARR) also provides for entitlements of STs to various benefits in case of acquisition or alienation of any land.

Section 42 of the Act (RFCTLARR) provides for reservation and other benefits to the Scheduled Tribes and Scheduled Castes in the affected areas.

(b) Responsibility for implementation of FRA lies with State Governments/UTs. As per information received from the State Governments, upto 30.04.2017, 41,70,191 claims (40,31,766 individual and 1,38,425 community claims) have been filed and 17,92,816 titles (17,29,923 individual and 62,893 community claims) have been distributed to the extent of 1,37,47,389.80 acres of forest land. No separate data relating to number of land owning Scheduled Tribes (STs)/Other Traditional Forest Dwellers (OTFDs) working as farmers/engaged in farming is maintained by this Ministry.
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Annexure

Statement in reply to part (a) of Lok Sabha Unstarred Question No. 2454 for 31.07.2017 asked by Sh. Sharad Tripathi, M.P.

Section 3 (1) of FRA:- For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, namely:--
(a) right to hold and live in the forest land under the individual or common occupation for habitation or for, self-cultivation for livelihood by a member or members of a forest dwelling Scheduled-Tribe or other traditional forest-dwellers;
(b) community rights such as nistar"", by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary. regimes;
(c) right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;
(d) other community rights of uses or entitlement such as" fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;
(e) rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;
(f) rights in or over disputed lands under any nomenclature in any State where claims are disputed;
(g) rights for conversion of Pattas or leases or grants issued by any local authority or any State Government on forest lands to titles;
(h) rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;
(i) right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;
(j) rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribals under any traditional or customary law of the concerned tribes of any State;
(k) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;
(l) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;

(m) right to in situ rehabilitation including alternative land in cases where the Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.

Under Section 5 of FRA, the holders of forest right and Gram Sabha are empowered to ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage and the decisions to regulate access to Community Forest Resources and stop any activity which adversely affects forest and biodiversity.

Section 4 (5) FRA, provides that no member of a forest dwelling Scheduled Tribes or other traditional forest dweller shall be evicted or removed from forest land under his occupation till recognition and verification procedure is complete.

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